

Senate Bill No. 327

CHAPTER 248

An act to amend Sections 9205, 10226, and 10407 of, and to add and repeal Section 10226.1 to, the Elections Code, relating to elections.

[Approved by Governor September 6, 2011. Filed with
Secretary of State September 6, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 327, Committee on Elections and Constitutional Amendments.
Elections: procedure.

(1) Existing law requires that a notice of intention and the title and summary of a local ordinance proposed to be submitted to the voters of an incorporated city be published or posted, as specified.

This bill would specify that the text of the proposed measure is not required to be published or posted.

(2) Existing law requires that a candidate for an elective office of a city may be nominated by the voters by the filing of nomination papers, as specified. In regard to a municipal office, these forms are required to be furnished by the city elections official. Under existing law, the form for the nomination paper includes a verified statement of the candidate with specified content.

This bill would require the verified statement of the candidate to include a statement indicating his or her residence address. This bill would permit elections officials to deplete the supply of existing nomination paper forms prior to providing new or revised forms. By requiring that city elections officials alter the form containing the verified statement, this bill would impose a state-mandated local program.

(3) Existing law specifies that the nomination documents for candidates in elections consolidated with regularly scheduled elections shall be filed not later than 5 p.m. on the 88th day prior to the regularly scheduled election, unless an incumbent has not filed nomination papers by that day and time, in which case a person other than an incumbent shall have until 5 p.m. on the 83rd day before the election to file nomination papers.

This bill would instead specify that the deadline is the close of business on either the 88th or 83rd day before the election, whichever applies.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 9205 of the Elections Code is amended to read:

9205. A notice of intention and the title and summary of the proposed measure shall be published or posted or both as follows:

(a) If there is a newspaper of general circulation, as described in Chapter 1 (commencing with Section 6000) of Division 7 of Title 1 of the Government Code, adjudicated as such, the notice, title, and summary shall be published therein at least once.

(b) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, the notice, title, and summary shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located and the notice, title, and summary shall be posted in three (3) public places within the city, which public places shall be those utilized for the purpose of posting ordinances as required in Section 36933 of the Government Code.

(c) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, and there is no newspaper of general circulation adjudicated as such within the county, circulated within the city, then the notice, title, and summary shall be posted in the manner described in subdivision (b).

This section does not require the publication or posting of the text of the proposed measure.

SEC. 2. Section 10226 of the Elections Code is amended to read:

10226. The nomination papers and affidavits shall be substantially in the following form:

“NOMINATION PAPER

We, the undersigned voters of the ____ of ____ hereby nominate ____ for the office of ____ of the city:

Name	Residence
_____	_____
_____	_____
_____	_____

AFFIDAVIT OF THE CIRCULATOR

State of California }
County of _____ } ss.

I, _____, solemnly swear (or affirm) that the signatures on this nomination paper were obtained between _____, 2__, and _____, 2__; that I circulated this petition and I saw the signatures on this section of the nomination papers

being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My residence address is _____.

(Signature)

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed by me at _____, on _____, 2____.

AFFIDAVIT OF THE NOMINEE

State of California }
County of _____ } ss.

_____ being duly sworn, says that he or she is the above-named nominee for the office of _____, that he or she will accept the office in the event of his or her election, that he or she desires his or her name to appear on the ballot as follows:

(Print name above),

and that he or she desires the following designation to appear on the ballot under his or her name:

(Print desired designation above),

and that his or her residence address is _____.

(Print residence address as provided by affiant)

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed by me at _____, on _____, 2____.”

SEC. 3. Section 10226.1 is added to the Elections Code, to read:

10226.1. (a) Elections officials may use nomination paper and affidavit forms that are in print on January 1, 2012, and that comply with Section 10226 as it read prior to amendment by the act that added this section, until those forms are exhausted prior to providing forms that conform to Section 10226 as amended by the act that added this section.

(b) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 4. Section 10407 of the Elections Code is amended to read:

10407. (a) Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the 113th day prior to the election. The nomination documents shall be filed

not later than the close of business on the 88th day prior to the regularly scheduled election in the office of the appropriate officer, during regular office hours.

(b) Notwithstanding subdivision (a), if nomination documents for an incumbent officer of a political subdivision are not filed by the close of business on the 88th day before the election, any person other than the person who was the incumbent on the 88th day shall have until the close of business on the 83rd day before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.